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Before the  
Federal Communications Commission  
Washington, D.C. 20554

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF SECRETARY

In the Matter of	)	
	)	
Administration of the	)	CC Docket NO. 92-237
North American Numbering Plan	)	Phases One and Two
	)	

COMMENTS OF THE MANAGER  
OF THE NATIONAL COMMUNICATIONS SYSTEM

The Secretary of Defense, Executive Agent of the National Communications System (NCS)<sup>1</sup>, through duly authorized counsel, pursuant to Section 201 of the Federal Property and Administrative Services Act of 1949, 40 USC Section 481, and the Memorandum of Understanding between the Department of Defense and the General Services Administration dated November 27, 1950, hereby files these comments to address the National Security/Emergency Preparedness (NS/EP) telecommunications issues inherent in the North American Numbering Plan in response to the

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<sup>1</sup>Executive Order No. 12472, "Assignment of National Security and Emergency Preparedness Telecommunications Functions," April 3, 1984 (49 Fed. Reg. 13471, 1984), established the National Communications System (NCS), which consists of an administrative structure involving the Executive Agent, Committee of Principals, Manager, and the telecommunications assets of the Federal organizations which are represented on the Committee of Principals. Section 1(e) of Executive Order 12472 designates the Secretary of Defense as Executive Agent for the NCS. By direction of the Executive Office of the President (EOP), the NCS members organizations (which are represented on the Committee of Principals) are: Department of Agriculture, Central Intelligence Agency, Department of Commerce, Department of Defense, Department of Energy, Federal Emergency Management Agency, General Services Administration, Department of Justice, National Aeronautics and Space Administration, the Joint Staff, Department of State, Department of Transportation, Department of Treasury, U.S. Information Agency, the Department of Veterans Affairs, Department of Health and Human Services, Department of the Interior, National Security Agency, the National Telecommunications and Information Administration and the Nuclear Regulatory Commission. The Federal Communications Commission, the United States Postal Service and the Federal Reserve Board also participate in the activities of the NCS. The vast majority of the telecommunications assets of these 23 organizations are leased from commercial communications carriers and serve the NS/EP needs of the Federal government as well as state and local governments.

captioned Notice of Proposed Rulemaking (FCC 94-79, released April 4, 1994.) (NPRM).

In the NPRM, the Commission has requested comments on the two phases of this proceeding. In phase 1, the Commission seeks comments on the identification of an appropriate entity to administer the NANP, future funding for such administration, and how such administration might be improved. Phase 2 addresses the costs, benefits and technical issues associated with expanding Feature Group D (FGD) Carrier Identification Codes (CIC) from a three-digit to a four-digit format.

THE COMMISSION HAS HISTORICALLY TAKEN NS/EP CONCERNS  
INTO ACCOUNT IN ITS REGULATORY ACTIONS

Section 1 of the Communications Act establishes that the FCC was established, in part, "for the national defense." 47 U.S.C. Sec. 151. Since the enactment of that provision, the FCC has consistently recognized its duty to consider NS/EP concerns and goals when exercising its regulatory responsibilities. The Commission has allowed call-by-call priorities over the PSN for NS/EP purposes. In the matter of a Precedence System for Public Correspondence Service Provided by the Communication Common Carriers, 20 FCC 2d 169 (1969). More recently, the Commission authorized a system for the priority restoration and provisioning of vital NS/EP telecommunications services. National Security Emergency Preparedness Telecommunications Services Priority System, 3 FCC Rec 6650 (1988). In the TSP Report and Order the Commission stated:

"As noted in the NPRM, the Commission is charged with promoting the safety and life and property and with ensuring effective communications for the "purpose of the national defense." 47 USC Sec 151. We also noted that all provisions of the Act must be read in light of

that statement of purpose, and that we have often been required to consider national security interests in our orders, e.g., AT&T (Divestiture Order), 98 FCC 2d. 141 (1983). We have consistently sought to balance the needs of NSEP interests with the needs of the general public..." 3 FCC Rec 6651 (1988).

It is therefore entirely appropriate that NS/EP concerns be considered by the Commission herein.

#### THE COMMISSION'S JURISDICTION OVER THE NANP

In the NPRM (par. 8), the Commission examines whether or not it has jurisdiction over telephone numbers. Examining the language of 47 U.S.C. § 151 and § 201, relating to its broad role over interstate and international communications and the facilities used therefore, the Commission concludes that telephone numbers are matters over which it has jurisdiction. The Manager agrees the Commission has jurisdiction.

#### THE 710 NUMBERING PLAN AREA CODE

Bellcore reserved the 710 Numbering Plan Area (NPA) code for the Government and the Government has utilized it since 1985 in support of NS/EP telecommunications requirements. Its initial use was in support of the Special Routing Arrangement Service (SRAS). The 710 NPA code was opened at selected end offices and permitted a unique dialing plan that provided tariffed special features from those locations to the AT&T switched network. This included the provision of special trunk subgrouping, unique billing, and monthly testing to verify those features. In September, 1994 SRAS will begin to be gradually phased out as the new Government Emergency Telephone Service (GETS) becomes operational. GETS, like SRAS, requires the utilization of the 710 NPA code for the completion of NS/EP calls. Unlike SRAS, which required activation of the 710 NPA code at only selected end offices, the NS/EP

essential characteristics of GETS require that the 710 NPA code be activated at all end offices. Local exchange carriers, Bellcore, the United States Telephone Association (USTA) and other industry groups have been aware of this requirement for some time and are cooperating with the NCS to make GETS a reality.<sup>2</sup> Attached hereto is a copy of a letter from the then-Acting Deputy Manager of the NCS to Bellcore which included an USTA Technical Information Document and a NCS GETS Technical Description. As is clear from the text of the letter, these documents were not put together overnight, but rather took much cooperative effort and a long time to achieve.<sup>3</sup> This effort should not be permitted to be thwarted. The continued availability of the 710 NPA code is essential for NS/EP communications. Whoever becomes the NANP administrator must recognize the significance of this reservation and ensure its continued availability for Government NS/EP communications.

#### ADMINISTRATION AND POLICY

In the NPRM, the Commission first addresses who should perform the administrative functions associated with NANP administration, the ministerial assignment of telephone numbers. The Commission recognizes that it, of Government agencies, would be best able to perform these tasks because of its prior experiences in this area. (NPRM, par. 8.) Considering private sources, the Commission feels existing entities might be perceived as having ties to one faction or another and be

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<sup>2</sup>This is not to say that there are no unresolved issues with GETS. All parties with a stake in GETS becoming a valuable service are cooperating in resolving those issues, however.

<sup>3</sup>The documents are somewhat lengthy and are not provided with these comments. Copies will be made available upon request.

subject to allegations of bias in making assignments. The Commission tentatively concludes that a new, non government entity, subject to its oversight, should be the administrator while it focuses on policy issues.

After discussing options for various methods of acquiring the information it needs to develop policy and resolve disputes, the Commission seeks comments on whether it should establish a new board to assist in developing policy. The NPRM also asks to what extent the Federal Advisory Committee Act might be applicable to such a board.

Notwithstanding that the Commission has tentatively concluded that a new non-government entity is the best organization to perform the ministerial number assignment function, the Manager believes that the Commission itself is the proper entity to do so. As several commentors in the Notice of Inquiry stage of this preceding noted, it is the Commission that will ultimately decide any numbering issues. (NPRM, par.11.) From the NS/EP perspective, it is desirable that the Commission, with statutory obligations and authority in the NS/EP area, be the administrator of the NANP to at least assure the 710 NPA code reservation is maintained. While it may be that Commission oversight of any other administrative entity might ultimately assure the same reservation, pressures on that other entity to reassign the code would likely arise that would not arise if the administrator were the Commission.

The Manager believes a policy board is an appropriate body to advise the Commission on policy. As to disputes, the Commission should be the final arbiter of all disputes, including disputes over

administration of the NANP. The policy board should be composed of service providers, government agencies and other users, regulators, and possibly manufacturers. (Thus structured, it would be a board to which the Federal Advisory Committee Act would apply.) It appears more efficient to have the ultimate authority here, the Commission, have the decision making role at the outset. Unpopular decisions of an independent administrator as well as policy will have to ultimately be resolved or decided by the Commission. It seems more efficient that the final authority should also be the initial authority. This could be accomplished were the Commission the administrator and had the advice of a federal advisory committee to assist in policy and dispute decisions.

#### FUNDING

The Commission has asked for comments on methods to fund costs associated with the NANP. The Manager takes no position on the methodology, but does want to emphasize one point concerning the 710 NPA code. While the code is reserved for Government emergency use, it is not the Government's code. The distinction is important. Although any funding mechanism is far from implementation, the Government should not participate in specifically funding the 710 NPA code in any fashion other than as a user of the code. The Government's position is identical to that of the telephone subscriber living in Chevy Chase, Maryland. It is doubtful that such a subscriber will get a bill for "use" of the 301 NPA code. Calls to the 710 NPA code, like those to the 301 NPA code, will be handled by interexchange, local exchange and cellular carriers whose rates will reflect all costs, including any costs possibly associated with funding the NANP.

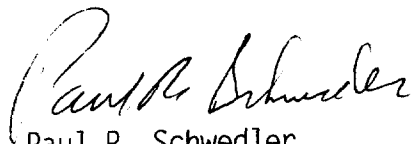
CARRIER IDENTIFICATION CODES

Phase Two of this proceeding deals with expansion of Feature Group D Carrier Identification Codes from three to four digits. The Commission concludes that the expansion is necessary. It then seeks comments on whether its proposed six year transition period (during which callers could use either three or four digit CICs) will be necessary. The Manager supports the six year period since it will provide the necessary time in which callers, including NSEP callers, will gain familiarity with the new calling patterns.

CONCLUSION

The Manager of the National Communications System urges the Commission to consider the National Security/Emergency Preparedness issues presented herein when determining procedures to govern future use of the North American Numbering Plan.

Respectfully submitted,



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